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| Notice of Allowability | Application No. 10/087,290 Examiner Donald L. Storm | Applicant(s) MORTON ET AL. Art Unit 2654 |
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to AMENDMENT filed June 1, 2005.
2. The allowed claim(s) is/are 1-32.
3. The drawings filed on 28 February 2002 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

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| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

Allowable Subject Matter

1. Claims 1-32 are allowed.

Response to Arguments

2. The prior Office action, mailed March 1, 2005, rejects claims under 35 USC § 102 and § 103, citing Miiller and others. The Applicant's arguments and changes in AMENDMENT, filed June 1, 2005, have been fully considered with the following results.

3. With respect to rejection of claims under 35 USC § 102 and § 103, citing Miiller alone and in combination, the changes entered by amendment include compressed data received by a decoder and basing selection of a decompression algorithm on an analysis of that compressed data.

The reference Miiller does not explicitly describe that limitation. The whole structure and interaction expressed by the combination of all limitations is not made obvious compared to the prior art of record for the whole invention of the independent claims, particularly with a store of operating data or operating code for a plurality of decompression algorithms. Accordingly, the rejections are removed. The Applicant's assertions with respect to the references have been considered, but they are moot in view of the new claim element.

The Applicant's assertions that the data received by the decoder distinguishes from Miiller have also been considered, and they indicate that patentable weight should be assigned to the preambles of the claims. The preamble is not merely a statement of field of use; instead, it is enmeshed with the ensuing language of the claim. For claims 1, 9, and 17, phraseology in the preamble limits the structures and interactions of the claimed apparatus and is essential to point out the invention defined by the claim. The claim preambles, when read in the context of the entire claim, recites limitations of the claimed compressed data to be compressed data received by

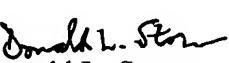
the decoder. Antecedence in the preamble gives meaning to “the compressed data” recited in the body of the claim, which is unable to stand alone. Accordingly, the Examiner has given the effect of claim limitations to the structural element recited in the preamble: “compressed data received by the decoder”, as if it were in the balance of the claim.

In the reference Miiller, the compressed data that is stored and is decoded remains in Miiller's encoder. The closest prior art (Dye, Burks) that allocates storage for data received by a decoder and selects from a plurality of decompression algorithms bases the selection on analysis of uncompressed data. Dye analyzes header data, which is not compressed data, and Burks analyzes pointing or indexing data, which is not compressed, to select a decompression algorithm.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.


Donald L. Storm
August 4, 2005


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER